

BUTTE NEWS.

IT IS ABOUT ALL IN

The Testimony in the Day Murder Trial Soon to Be Concluded.

VERDICT EXPECTED TO-DAY

Defense Finishes Its Case—Strong Evidence Against the Defendant Brought in Rebuttal—The Examinations.

The day murder case will probably be submitted to the jury to-day and a verdict may be expected before night. The testimony was concluded last evening with the possible exception of one witness whom the state was not sure about calling to the stand yesterday. The case for the defense was finished yesterday afternoon and the state's rebuttal testimony was brief though important; in fact, it appeared as if the strongest evidence against the defendant was brought in rebuttal.

Mr. Roe, the court stenographer, was not on hand yesterday morning when the case was called and after waiting a few minutes the court ordered an attachment issued for him. Half an hour later Mr. Roe walked into the court room and glanced at the clock.

"Mr. Roe, we have been waiting for you for half an hour," said the court. "Have you any excuse to offer?"

The stenographer frankly said that he had overslept himself.

"These late morning sleeps are an expensive luxury, Mr. Roe," said the court.

"Yes, they are," was the reply. "Well, Mr. Clerk," said the court, "you will enter a fine of \$20 against Mr. Roe."

The trial of the case was then taken up and Dr. L. E. Holmes was called to the stand to testify for the defense as a medical expert. Dr. Holmes had been in the court room during the examination of the other expert witnesses, contrary to the rule of the court, but the state made no objection and he was allowed to tell what he thought about certain things.

Mr. Kirk asked him to give his opinion, based on what testimony he had heard, but Mr. Wines objected and Mr. Kirk was compelled to repeat his long hypothetical question to which the witness replied in substance that if conditions were as stated by Mr. Kirk, proper treatment had not been given Lee's injury. A portion of the treatment which he said was improper was in allowing a foreign, irritating substance to remain in the wound and on the brain. On cross-examination Mr. Wines asked the doctor where he had heard that there was such an irritating substance, and the doctor replied that he had heard it from a common sense.

Mr. Wines objected. "We know," he said, "that the doctor knows more than any other professional gentleman, but still we insist that he shall answer questions asked him and refrain from discussing the testimony in this case."

The doctor said that although he knew nothing about the treatment or methods pursued by the attending physicians the result showed that the treatment was not proper and was insufficient. He said the pus accumulation in the brain had not been properly drained, and in answer to another question from Mr. Wines he said he had cases in his time that died under similar conditions because the pus was not drained. Mr. Wines asked why he did not drain the wound and the doctor said it was none of the attorney's business.

Mr. Wines asked Dr. Holmes to state from what he knew of the facts, what caused the death of Thomas Lee.

"Paralysis," was the reply.

"Caused by what?" asked Mr. Wines.

"The condition of the pus."

"Caused by what?"

"By infection of the wound."

"What was the infection of the wound caused by?"

"Microbes."

"What were the microbes caused by?"

"God Almighty," said the doctor.

"How did God Almighty come to put the microbes there to kill this man?"

"Through the hands of an attendant."

"How was it the hand of an attendant could get in there and place the microbes there?"

"A slight touch upon the outside surface did it."

"How was the outside surface prepared or in a condition to receive these microbes so rapidly?"

"By being bruised."

"What bruised it?"

"A blow."

"A blow from some blunt, hard instrument?"

"Yes."

the court room, after which Mr. Kirk stated that he expected to show by Deehan that there was an undue interest between Williams and Mrs. Lee in the prosecution of the case and that they showed such an interest as to indicate a desire to have Lee where he now is.

On Oct. 7, not a great while after the death of Lee, Williams and Mrs. Lee visited the witness' place and made themselves known as husband and wife. They bought some furniture and had it delivered to the house now occupied by Mrs. Lee. At the house, in the presence of the witness, they addressed each other as husband and wife and the only furniture in the house was what Deehan had delivered and that included only one bedroom set.

Mr. Wines objected to the testimony offered. He said it could only be used for the purpose of impeachment and a proper foundation had not been laid for that, and even if it had and the facts stated by Kirk were true, the testimony would still be incompetent as it would in no way affect the main question of the case. The court said the testimony was perfectly competent and then Mr. Kirk asked leave to recall Williams for the purpose of laying a foundation for impeachment, but the court said it was not a ground for impeachment.

Mr. Kirk then announced the case for the defense closed and Dr. Alvord was called by the state to testify in rebuttal. He explained his methods of treating Lee while under his care at the county hospital and up to the time Lee's friends took him away and removed the case from Dr. Alvord's hands. He said he had done all that good surgical treatment demanded and declared that some of the things suggested by the "experts" who knew nothing about the case would not have been good surgical treatment.

James Williams was recalled to contradict the testimony of William Day, the defendant, that the latter never had any trouble with Lee. He said that about a week before the assault Day came to Lee's house and called him to the door and asked Lee what he had been saying against him. Thomas Lee called Williams out and the defendant asked Williams if he had heard George Day say that he, the defendant, had been intimate with Mrs. Lee. Williams replied that he had heard George Day tell Lee so and that he also said if he were in Lee's place he would kill both of them. The defendant then declared to Lee that he had never known anything wrong about Mrs. Lee and he threatened to smash his face for saying so. Then the three went into the house together and sent for a can of beer.

O. W. Perry, a witness for the defense, was called in rebuttal and asked to testify regarding some conversation he had had with the defendant. Mr. Grice, associate counsel for the defense, objected to the form of the questions asked by Mr. Wines and suggested the proper form. Mr. Wines asked the question in the form suggested and then Mr. Kirk objected and Mr. Wines asked for defense stated the law correctly. Judge Spear ruled in favor of Mr. Grice and then Perry continued his testimony and said he heard William Day say to Jack Day, in reply to a question as to whether he had seen Lee that he had not, but would kill the old fellow.

Mrs. Wilson, another witness for the defense, was called by the state and testified that she heard Hannah Merrick, sister of John Day, implore him not to go to Meaderville with William Day on the evening of June 18, the occasion of the assault on Lee. She heard John say that he was going with William.

Mrs. McKinley was recalled and said that after William and John had started for Meaderville Hannah Merrick came into her house and said she was afraid William was going to kill Lee, and would drag John into it.

Lillie Perry next testified that she went to Hannah Merrick's house when John Day returned from Meaderville, and asked if there was any blood on his face. Upon being told that there was not, he said he thought they had "sloughed off" old man Lee and that they would have to skip out.

Dr. McGarvin, who assisted in the autopsy on Lee, was recalled and contradicted the opinions and conclusions drawn by the "expert" witnesses. The doctor accounted for the presence of the large quantity of pus in the left lateral ventricle of the brain to the rupture of a blood vessel and related a case that came under his observation where the person had died from concussion of the brain and upon autopsy tosy being held it was found that there was not a sign of injury to the scalp, skull or brain covering, but a quantity of pus was found in the brain, caused by the rupture of a blood vessel. The doctor's experience contradicted the opinion of the "experts" and his knowledge of the Lee case also opposed their theories.

Dr. C. V. Norcross, who conducted the autopsy, said from what he found it was evident that death had resulted from the wound and not from improper treatment. There was no blood poisoning. At the conclusion of Dr. Norcross' testimony, court adjourned for the day and all witnesses except Mrs. Lee were excused from further attendance. The state announced that possibly Mrs. Lee would be called this morning, and if not the case would be closed. It will be submitted to the jury this afternoon.

SURPRISE HER.

The Little Girl Needs a Plan and Needs It Now.

I want buyers to-day for one \$150 Kimball organ, new and beautiful, at \$75, on payments of \$5 per month. Want buyers also for one second-hand Storey & Blake parlor organ, solid walnut case and in fine shape, \$47.50 on same terms. I have a magnificent Estey organ for to-day at \$45 that cost \$245 new; \$5 per month will take it also. One splendid upright piano in excellent shape, worth \$200, for \$110, on payments of \$10 per month, and a better, new upright piano for sale at \$185 than is usually sold anywhere else in the state for \$375 and my terms are \$10 a month. This piano is first-class workmanship, brilliant, clear tone, light, easy action, and will last 20 years. Orton Bros., 205 N. Main street.

FAR FROM HOME.

Commander Naoki Miyaki of Japan's Imperial Navy in Butte.

Commander Naoki Miyaki of the imperial navy of Japan arrived in Butte on this morning's early train from the East. The distinguished visitor, one of the leading dignitaries of Japan, will see Butte to-day and will proceed west by the Union Pacific this afternoon, changing the line on account of the washouts on the Northern Pacific.

When Baby was sick, we gave her Castoria.

When she was a Child, she cried for Castoria.

When she became Miss, she clung to Castoria.

When she had Children, she gave them Castoria.

When she was old, she still used Castoria.

When she was very old, she still used Castoria.

When she was dead, she was buried with Castoria.

When she was in heaven, she was still using Castoria.

When she was in hell, she was still using Castoria.

When she was in purgatory, she was still using Castoria.

MEETING OF WOMEN

Second Annual Convention of the Montana Equal Suffrage Association.

NAMING THE COMMITTEES

A Business Session Will Be Held To-day at the Congregational Church—The Visiting Delegates Entertained.

The second annual convention of the Montana Equal Suffrage association met in the Congregational church at 3 o'clock yesterday afternoon and was called to order by Mrs. Harriet P. Sanders of Helena, the state president. Delegates were present from Livingston, Bozeman, Marysville, Helena and Butte, and the attendance was very encouraging considering the unpleasant weather which has interfered with the railroads and made travel disagreeable. Delegates are expected to arrive to-day from Dillon and other parts of the state.

The first business was a session of the executive committee, composed of Mrs. Harriet P. Sanders of Helena, president; Mrs. Mary Long Alderson of Bozeman, recording secretary; Mrs. Della Kellogg of Helena, corresponding secretary; Dr. Mary B. Atwater of Marysville, treasurer; Martha E. Dunkel of Butte, auditor. After prayer by Mrs. Anna Nutting, the president announced the following committees: Credentials—Mrs. Della Kellogg of Helena, Mrs. Emma Corbin of Butte, Mrs. R. T. Gains of Helena. Resolutions—Dr. Isabel Gildron of Butte, Mrs. Ella Knowles Haskell, assistant attorney general of Montana; Miss Mary Long Alderson of Bozeman.

Press—Mrs. Mahurin of the Marysville Mountaineer, Mrs. Minnie N. Hickox of Livingston, Mrs. Mary A. Cook of Butte.

The committee on credentials reported the following delegates present: Butte—Mrs. Corbin, Mrs. Davidson, Mrs. Broising. Livingston—Mrs. Hickox. Bozeman—Messdames Wylie and Alderson.

Lewis and Clarke county—Dr. Mary B. Atwater, county president; delegates at large, Mrs. Ella Knowles Haskell, Mrs. R. T. Gains, Mrs. M. S. Cummings, Helena Woman Suffrage club, Rev. Florence Kalkock Crocker, Mrs. Dotha Dolan, alternate, Helena Business club, Dr. Mary Dean, Mrs. Remington, Marysville, Mrs. Mahurin.

The state officers present were Mrs. Sanders, Mrs. Kellogg, Mrs. Alderson, Dr. Atwater, Mrs. Dunkel and Mrs. Wylie. The convention adjourned to meet at 10 a. m. to-day at the Congregational church for business session.

The following is the programme for this afternoon and evening:

Music.....Prayer.....Address of welcome by Dr. Isabel Gildron.....Response by Mrs. Della Kellogg of Helena.....Paper.....Mrs. Mary Long Alderson.....Paper.....Dr. Mary Dean.....Paper.....Mrs. Anna Nutting of Butte.....Evening session 7:30 p. m.

Music.....Address.....State President Mrs. Harriet P. Sanders.

Address.....Mr. Wood of Butte.....Address.....Mrs. M. S. Cummings, Montana University.

Music.....Mr. Booth of Butte.....Address.....Rev. Kalkock Crocker of Unitarian church, Helena.

The visiting delegates were met at the depot by the ladies of the Butte club, who escorted them to the church and are entertaining them in royal style. Mrs. Emma Reed Corbin gave a largely attended reception in their honor last evening at her home in West Park street.

AT ST. GEORGE'S HALL.

The Concert Programme to Be Rendered in Centerville To-Night.

The following programme will be rendered at the concert to be given at St. George's hall, Centerville, this evening:

Singing—Opening Ode.....Remarks by Chairman J. W. Hingley. Instrumental quartet.....Messrs. Rich, Harris, Young and Waters.

Recitation.....Miss Kate Williams.....Song.....Norman Scott Lyle.....Solo.....Miss Florence Broughton.....Declaration.....T. H. Martin.....Instrumental duet.....Professors Stanaway and Young.

Song.....George Jones.....Duet.....John Nance.....Ethel Woodthorpe, Fred Wellington.

Recitation.....Miss Sarah Barker.....Song.....John H. Martin.....Declaration.....J. T. M. Stephens.....Play—"Tribby".....Miss Elms.

Song.....W. J. Feague.....Recitation.....Isaac Williams.....Duet.....Norman Scott Lyle, James N. Ball.

Song.....Miss Kate Williams.....Duet.....Mrs. J. T. M. Stephens and T. H. Martin.

Instrumental duet.....James Broughton and Miss Florence Broughton.

Solo.....Mrs. T. J. Flavin.....Recitation.....Miss Maud Hosking.....Instrumental quartet.....Messrs. Rich, Harris, Young and Waters.

WITHOUT A HEART.

The Authorities Will Make It Unpleasant for a Certain Woman If Found.

An inquest was commenced last evening on the focus that was found in South Butte Monday morning. Nothing new was brought out, but it appeared from the evidence that there was a clue to the identity of the heartless mother and the jury decided to adjourn till to-morrow evening. They asked the coroner to call on the police authorities and urge them to use every effort to discover and arrest the mother of the infant.

A WORTHY CAUSE.

Grand Benefit Concert at St. George's Hall Thursday Evening.

Black Prince and White Rose lodge, Sons and Daughters of St. George, will give a grand concert at St. George hall, Centerville, Thursday evening for the benefit of one of their members. Tickets 50 cents.

Our wines, direct from the vineyards of the Santa Clara Wine company, are not tampered with by middlemen. Santa Clara port, sherry, Muscatel and Angelica \$2 per gallon. Montana Liquor company.

HENNESSY'S...

This morning we offer a Handsome line of

Novelty Dress Goods

AT A GREAT BARGAIN

The textures are exceedingly choice, the weaves are the newest and best of this season, colorings and styles run the gamut between the quiet and unobtrusive and the marvelously rich and bold. The price is just where you want it and the quality much higher than you could expect at our figure.

..OUR SALE OF..

BLACK DRESS GOODS

Which commenced on Monday morning has proven wonderfully successful. We sold nearly three thousand yards at the very low prices named in Sunday's Standard. A few hundred yards are still on hand, and if you are looking for low, medium or high quality Black Dress Goods at a nominal figure come at once and get them.

Our Lines of

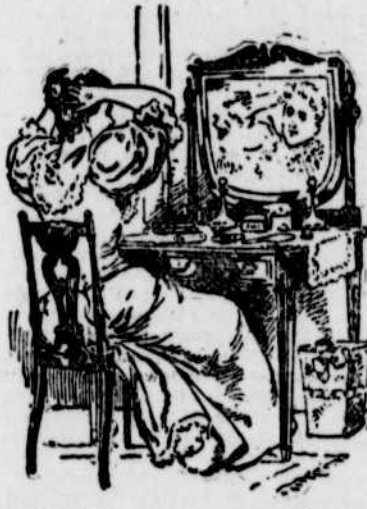
Ladies' Wraps and Jackets

Ready-to-Wear Dresses

Skirts and Petticoats

ARE THE NEWEST AND BEST IN BUTTE.

..HENNESSY'S



THE TIME NOW—FOR ONE WEEK SPECIAL WATCH SALE

See the goods to be convinced how great a value for a little money.

14 kt. Hunting Filled Watch, \$36.00; reduced to.....\$29.00
10 kt. Hunting Filled Watch, \$29.00; reduced to.....\$23.25
14 kt. Open-Face Filled Watch, \$29.50; reduced to.....\$23.25
14 kt. Open-Face Filled Watch, \$22.00; reduced to.....\$17.25
10 kt. Open-Face Filled Watch, \$20.00; reduced to.....\$15.00
Nickel Open-Face Filled Watch, \$8.50; reduced to.....\$6.50
A good American Watch that will keep time only.....\$2.50

Sole agents for Patek Philippe Watches. A new invoice of enameled and jeweled watches, the ladies are in ecstasies about. See them. Note our premium offer below:

J. H. Leyson, Optician and Jeweler,

221 Upper Main Street, Butte.

\$300.00 GOLD WATCH TO BE GIVEN AWAY.

Every customer for work or merchandise gets a ticket. Also for immediate use an order on Stewart Music House for sheet music or street car tickets. We make it easy for you to visit us.

The Cash Clothing Co.

No Place Like It to Buy

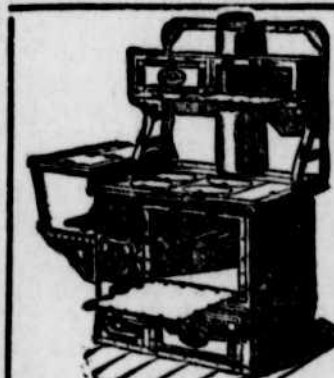
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Better Goods at Lower Prices Than Any House in Butte. Everything Must be Right in Every Respect, or Your Money Back.

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The "MAJESTIC" is all steel and malleable iron, all others have cast iron tops. The Majestic is most easily handled, uses less fuel, bakes quicker and will heat more water than any other range. We carry a full line from \$30 to \$350. A complete line of "Peninsular" and "St. Clair" Heating Stoves. Every one guaranteed.

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New York Hairdressing, Manicuring and Chiropractic Parlors, 59 West Broadway. Switches and hair chains made from combings for \$3.50 each. French Complexion Cream, 50c per jar.

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PAUMIE, Proprietor.

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